

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WILBERT NAPOLEON, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Case No.: 2:24-CV-00186-BJR

**JOINT MOTION TO CONSOLIDATE  
AND ORDER**

**JOINT REQUEST TO CONSOLIDATE THE RELATED ACTIONS**

Pursuant to Federal Rule of Civil Procedure 42(a), all parties in this action and the actions entitled *Gianne v. Amazon.com, Inc.*, No. 2:24-cv-309-BJR and *Peterson v. Amazon.com, Inc.*, No. 2:24-cv-364-BJR (together the “Related Actions”) have conferred through counsel and jointly and respectfully request that the Court consolidate the Related Actions into a single consolidated action.

Under Rule 42(a), “[i]f actions before the court involve a common question of law or fact, the court may ... consolidate the actions.” Fed. R. Civ. P. 42(a). Once a court identifies a common question of law or fact, it generally weighs “the savings of time and effort consolidation will produce against any inconvenience, delay, confusion, or prejudice that may result.” *Rittmann v. Amazon.com, Inc.*, No. C16-1554-JCC, 2019 WL 2994634, at \*1 (W.D. Wash. July 9, 2019).

Here, the Parties agree that the Related Actions should be consolidated because they involve the same defendant (Amazon) and overlapping factual and legal issues. Plaintiffs in the

Related Actions each allege that Amazon breached the contract with its annual Amazon Prime subscribers when it allegedly raised the price by an additional \$2.99 per month for Prime Video — one of the benefits of Amazon Prime — during the contract period. Plaintiffs in the Related Actions assert overlapping legal claims, asserting that Amazon’s conduct with respect to Prime Video constitutes a breach of contract and breach of the implied covenant of good faith and fair dealing, and violates the Washington Consumer Protection Act and other state consumer protection statutes. There is also substantial overlap across the proposed classes in the Related Actions, which all include customers who purchased annual Amazon Prime subscriptions. Given the common defendant and significant overlap in factual and legal issues, the interests of judicial economy support consolidation of the Related Actions.

#### PROPOSED NEXT STEPS

The Parties respectfully request that the Court (i) consolidate the Related Actions and any pending or future related actions in this District relating to an alleged price increase for Prime Video and/or the inclusion of advertising content with Prime Video, (ii) order Plaintiffs in the Related Actions to file a consolidated amended complaint, (iii) designate this action, the first-filed of the three Related Actions, as the main docket for the consolidated action, and (iv) vacate any prior scheduling orders and initial deadlines in each of the Related Actions. The Parties also respectfully request that Court enter the following case schedule in the consolidated action:

Event	Deadline
Deadline for Plaintiffs’ counsel in the Related Actions to file cross-motions seeking appointment as interim class counsel, pursuant to Fed. R. Civ. P. 23(g)(3)	14 days after the Court’s order on consolidation
Deadline to file a Consolidated Amended Complaint (“CAC”)	30 days after the order appointing lead interim class counsel
Deadline for Amazon to respond to the CAC	30 days after the CAC is filed

1 Dated: April 26, 2024

Respectfully submitted,

2 FENWICK & WEST LLP

3  
4 By /s/ Brian D. Buckley

Brian D. Buckley, WSBA No. 26423  
401 Union Street, 5th Floor  
Seattle, WA 98101  
Telephone: 206.389.4510  
Facsimile: 206.389.4511  
Email: bbuckley@fenwick.com

8 *Attorneys for Defendant*  
9 AMAZON.COM, INC.

10  
11 DOVEL & LUNER, LLP

12 By /s/ Jonas B. Jacobson

13 Jonas B. Jacobson (*pro hac vice*)  
14 Christin Cho (*pro hac vice*)  
15 Simon Franzini (*pro hac vice*)  
201 Santa Monica Blvd., Suite 600  
Santa Monica, CA 90401  
Telephone: (310) 656-7066  
16 Facsimile: (310) 656-7069  
17 Email: jonas@dovel.com  
Email: christin@dovel.com  
18 Email: simon@dovel.com

19 CARSON & NOEL PLLC  
20 Wright A. Noel, WSBA No. 25264  
20 Sixth Avenue NE  
21 Issaquah WA 98027  
Telephone: 425.395.7786  
22 Facsimile: 42.837.5396  
23 Email: wright@carsonnoel.com

24 *Attorneys for Plaintiff*  
25 WILBERT NAPOLEON  
26  
27  
28

TOUSLEY BRAIN STEPHENS PLLC

By /s/ Kim D. Stephens, P.S.  
Kim D. Stephens, P.S., WSBA No. 11984  
Rebecca L. Solomon, WSBA No. 51520  
1200 Fifth Avenue, Suite 1700  
Seattle, WA 98101  
Telephone: 206.682.5600  
Facsimile: 206.682.2992  
kstephens@tousley.com  
rsolomon@tousley.com

*Attorneys for Plaintiffs*  
NATALIE GIANNE & Proposed Class

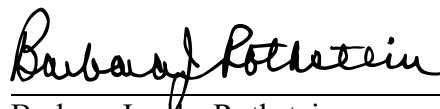
SIRI & GLIMSTAD LLP

By /s/ David J. DiSabato  
David J. DiSabato (*pro hac vice* to be filed)  
Lisa R. Considine (*pro hac vice* to be filed)  
Oren Faircloth (*pro hac vice* to be filed)  
745 Fifth Avenue, Suite 500  
New York, NY 10151  
Telephone: 212.532.1091  
Facsimile: 646.417.5967  
Email: ddisabato@sirillp.com  
Email: lconsidine@sirillp.com  
Email: ofaircloth@sirillp.com

*Attorneys for Plaintiffs*  
TIMOTHY PETERSON & Proposed Class

**IT IS SO ORDERED.**

DATED this 13th day of May, 2024.



Barbara Jacobs Rothstein  
U.S. District Court Judge

1 Presented by:  
2 FENWICK & WEST LLP

3 By: /s/ Brian D. Buckley  
4 Brian D. Buckley, WSBA No. 26423

5 401 Union Street, 5th Floor  
6 Seattle, WA 98101  
7 Telephone: 206.389.4510  
8 Facsimile: 206.389.4511  
9 Email: bbuckley@fenwick.com

10 *Attorneys for Amazon.com, Inc.*  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28